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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,574

12/22/2004

Alan Richard Glaze

P30320 USA

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23307

7590

11/20/2006

SYNNESTVEDT & LECHNER, LLP  
2600 ARAMARK TOWER  
1101 MARKET STREET  
PHILADELPHIA, PA 191072950

EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/518,574	Applicant(s) GLAZE ET AL.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 33-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

Art Unit: 3679

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

2. Claims 28-30 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent must refer to a preceding claim and a claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 28-30 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3679

4. Claims 1-30 and 33-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10, 12, 19, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Stolongo.

In regard to claim 1, Stolongo discloses a device 12 for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 34 for engagement in the end of the tubular member and radially outwardly extending portion 22 which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar 50, thereby to restrict removal of the collar 50 from the end of the tubular member 62.

In regard to claim 2, wherein the tubular member includes:

plastics material 62; is made purely of a plastics material; or, is a multi-layer construction comprising one or more layers of plastics material bonded to one or more layers of metal; or,

comprises one or more layers of plastics material bonded to one or more layers of non-metallic material.

In regard to claim 3, wherein the tubular member has a multi-layer construction comprising an inner plastics material layer bonded to an intermediate layer of metal which is in turn bonded to an outer layer of plastics material (the claims are only drawn to the device and not the device 12 in combination with the hose a collar).

In regard to claim 4, wherein the device 12 is a hollow member thereby to allow fluid flow therethrough.

In regard to claim 5, wherein the device 12 takes the form of an insert for the tubular member which is self retaining in the end of the tubular member in use.

In regard to claim 6, wherein the device, or at least the axially extending portion thereof, comprises harder material than the inner wall of the tubular member.

In regard to claim 7, wherein the device 12 is retainable in the end of the tubular member by threaded engagement 28.

In regard to claim 8, wherein the device 12 is provided on the external surface of its axially extending portion with a thread 28.

In regard to claim 9, wherein the device 12 is retainable in the end of the tubular member by cutting or forming its own thread into the tubular member.

In regard to claim 10, wherein the thread 28 on the device comprises a self tapping thread for cutting or forming into the internal surface of the tubular member.

In regard to claim 12, the engagement means comprises a polygonal profile 22 on the radially outwardly extending portion to enable it to be gripped by a tool.

In regard to claim 19, is an intended use limitation as it only describes how the device will be used and does not add any structural limitations to the device.

In regard to claim 22, the radially extending portion 22 is non-circumferentially continuous.

In regard to claim 24, the device further comprises a portion of enlarged diameter 36 compared with the axially extending portion 34 between the outwardly tapering diameter portion and the radially extending portion 22.

8. Claims 1 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goebel et al.

In regard to claim 1, Goebel et al. discloses a device 20 for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 24 for engagement in the end of the tubular member and radially outwardly extending portion 34 which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar 50, thereby to restrict removal of the collar from the end of the tubular member 60.

In regard to claim 15, the device is retained in the end of the tubular member by means of an interference fit 24.

In regard to claim 16, the device is provided on the external surface of its axially extending portion with a serrated or saw tooth profile 24.

In regard to claim 17, the device is provided on its axially extending portion with one or more outwardly angled teeth 24 or barbs for engagement with the inner wall of the tubular member.

In regard to claim 18, the teeth 24 or barbs are pressed from the body of the device.

9. Claims 1, 11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey.

In regard to claim 1, Harvey discloses a device 22 for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 43 for engagement in the end of the tubular member and radially outwardly extending portion 20 which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar, thereby to restrict removal of the collar from the end of the tubular member.

In regard to claim 11, the device 22 is provided with means 22 to allow the device to be engaged in order to turn the device.

In regard to claim 13, the engagement means comprises a polygonal shaped recess or internal bore in the end of the device with the radially outwardly extending portion for engagement by a polygonal key.

In regard to claim 14, the engagement means comprises, at the end of the device 22 to the rear of the radially outwardly extending portion, one or more slots which can be engaged by a tool or key for turning the device.

10. Claims 1, 20-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al.

In regard to claim 1, Brown et al. discloses a device 10 for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 15 for engagement in the end of the tubular member and

Art Unit: 3679

radially outwardly extending portion 13 which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar, thereby to restrict removal of the collar from the end of the tubular member.

In regard to claim 20, the radially extending portion 13 of the device is circumferentially continuous.

In regard to claim 21, the radially extending portion 13 comprises a circular flange.

In regard to claim 23, the device comprises a portion of outwardly tapering diameter 15 from the axially extending portion towards the radially extending portion.

11. Claims 1, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw.

In regard to claim 1, Shaw discloses a device 13 for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 21 for engagement in the end of the tubular member and radially outwardly extending portion 17 which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar 14, thereby to restrict removal of the collar from the end of the tubular member 11.

In regard to claim 25, the device includes a sealing means 24 to seal between the device and the axial end of the tubular member.

In regard to claim 26, the sealing means 24 is located between the radially outwardly extending portion 16 of the device and the end 11 of the tubular member.

12. Claims 1, 25-27 and 33-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Riesselmann.

Art Unit: 3679

In regard to claim 1, Riesselmann discloses a device for restricting removal from the end of a tubular member of a collar or the like located on the tubular member, the device comprising an axially extending portion 16 for engagement in the end of the tubular member and radially outwardly extending portion which in use is located outside the end of the tubular member and which extends radially outwardly to a greater diameter than the internal diameter of the collar 46, thereby to restrict removal of the collar from the end of the tubular member 39.

In regard to claim 25, the device includes a sealing means 32 to seal between the device and the axial end of the tubular member.

In regard to claim 26, the sealing means 32 is located between the radially outwardly extending portion of the device and the end of the tubular member.

In regard to claim 27, the radially outwardly extending portion is provided with an annular groove 26 or recess on its front radially extending surface to accommodate an annular sealing means.

In regard to claim 33, Riesselmann discloses a device for sealing the axially facing end of a tubular member, the device comprising an axially extending portion 16 for engagement in the tubular member, a radially outwardly extending portion which in use is located outside the tubular member and a sealing means 32 for sealing between the radially outwardly extending portion and the axially facing end of the tubular member.

In regard to claim 34 (original). A device as claimed in claim 33 wherein the sealing means 32 is annular.

Art Unit: 3679

In regard to claim 35 (currently amended). A device as claimed in claim 33 wherein the radially outwardly extending portion is provided in its front surface facing the end of the tubular member with a groove 26 or recess for accommodating the sealing means.

In regard to claim 36, wherein the groove or recess 26 comprises an annular groove or recess for accommodating an annular sealing means.

In regard to claim 37, wherein the sealing means 32 comprises an elastomer material.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riesselmann. Riesselmann discloses a sealing means as described above, but does not disclose the exact material of the sealing means. However, it would have been obvious to one of ordinary skill in the art to make the sealing means of Riesselmann out of injected sealant material or silicone because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Appleton and Rolston all disclose similar couplings common in the art.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "David E. Bochna", with a stylized flourish at the end.

David E. Bochna  
Primary Examiner  
Art Unit 3679